

Serial No. 09/896,589

REMARKS/ARGUMENTS

Claims 1-19 and 21-37 are pending in the application after the foregoing amendments.

The Examiner rejected claims 1-15, 18, 19, 21-34 and 37.

The Examiner objected to claims 16, 17, 20, 35, 36, and 38.

Applicants have amended claim 1 to incorporate claim 20 and claim 21 has been amended to incorporate claim 38. Therefore, also, the Examiner's objection under 37 CFR 1.75 (c) is overcome.

Claim 8 has been amended to correct the Examiner §112 indefiniteness rejection.

Claims 16, 17, 35, and 36 were objected as being dependent on a rejected base claim. Applicants believe that the amendment to claims 1 and 20 have overcome these rejections or are otherwise allowable if written in independent form.

§102:

Applicants believe the Examiner's §102 has been overcome because, as amended, JP 50006158 (Honda) does not identically disclose all the elements of the claimed invention, namely that the neutralized aldehyde is non-hazardous and capable of passing the stringent toxicity criteria of LC₅₀ greater than 500 mg/l. Since Honda fails to disclose a treated waste that is non-hazardous with an LC₅₀ greater than 500 mg/l, withdrawal of the Examiner's §102 rejection is respectfully requested to be withdrawn.

§ 103:

Claims 1-4, 7-15, 18, 19, 27 and 29-34 were held by Examiner as unpatentable over U.S. 6,137,013 (Reidel) and Honda in combination, and further in view of U.S. 4,390,727 (DeMicheli). This rejection is respectfully traversed.

Reidel is directed to a method of stabilizing C₃-C₁₄ aldehydes against polymerization and autocondensation by adding alkaline substances. However, this is no disclosure or discussion of lessening the toxicity of α -hydrogen-free aldehydes to non-hazardous compositions of toxicity of LC₅₀ greater than 500 mg/l.

Honda, as noted above, fails to disclose or suggest treating waste stream to non-hazardous compositions of toxicity levels of LC₅₀ greater than 500 mg/l.

DeMicheli is directed to a process for preparing stable aqueous suspensions of formaldehyde. Again, this reference lacks treating solutions to the problems that the Applicants invention is directed toward, i.e., non-hazardous wastes of toxicity of LC₅₀ greater than 500 mg/l.

Applicants submit that the Examiner's rejection lacks the support for a case of *prima-facia* obviousness because Applicant's invention is related to different problems than what the cited art teaches, discloses, and suggests. Therefore, the Examiner's § 103 rejection is respectfully requested to be withdrawn.

The Examiner also rejected claims 5, 6, 24 and 25 as unpatentable over Reidel, and Honda and further in view of DeMicheli as applied to claims 1-4, 7-15, 18, 19, 27 and 29-34 above, and further in view of the Merck Index 11th Edition.

This rejection is respectfully traversed and Applicants incorporate the foregoing reasons of why the rejection is improper. Absent a clear teaching, suggestion, or disclosure to solve the problem answered by Applicant's invention, the Examiner's § 103 rejection is respectfully requested to be withdrawn.

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§ 112

Applicants believe that the amendments made to claim 8 and cancellation without prejudice of claims 20 and 28 have addressed the § 112 objections and therefore, the Examiner's § 112 objections are respectfully requested to be withdrawn.

Respectfully submitted,

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